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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,978	05/08/2001	Ravi Ganesan	23952-0128	1075

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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment of application 09/849,978 filed on May 8, 2001.

The amendment contains new claims 53-72.

Claims 1-52 are canceled.

Specification

The disclosure is objected to because of the following informalities:

Page 3, line 7 should read "...relating to the user" rather than "...relating the user".

Page 10, line 34 should read "...compared to traditional..." rather than "...compared traditional...".

Page 16, line 19 should read "...the purchaser, the shipping agent, ..." rather than "...the purchaser the shipping agent, ..."

Page 30, line 23 should refer to database(s) 306.

Page 47, line 6 should refer to shipping agent 2000.

Page 50, line 16 and 17 both refer to communication 2415B. Line 17 should refer to 2415A2 according to Figure 24.

Page 61, lines 16 and 31 should refer to recipient 2800C per Figure 28A rather than 1800C.

Page 61, line 25 should refer to database 2605 per Figure 28A rather than 1805.

Applicant is advised to verify labels and object titles as disclosed in the specification match those as shown in the drawings.

Appropriate correction is required.

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are informal sketches and labels are illegible in several portions. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to because:

Figure 10, item 1110 should be labeled "bus".

Figure 11B, item 1110' should be labeled "bus".

Applicant is advised to verify all drawings contain labels.

Figure 22 unlabeled reference item 2320 should be 2220 per page 47, line 27 of the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

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number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Item 1490 on Figure 14 and subsequent drawings. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

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informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 53-56, 58-60, 62-65, 67-69 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,717,989 to Tozzoli et al. (further referred to as Tozzoli).

Regarding claim 53, Tozzoli discloses a method for making a payment, comprising:

Receiving, via a network, a request to execute a payment on behalf of a payer (Figures 1 and 7; column 4, lines 50-62), the request including information identifying the payer, information identifying a payee, and an amount of the payment (column 6, lines 32-37);

Selecting a triggering event from a plurality of triggering events, based on the received request (column 7, lines 34-46; column 8, lines 13-36; column 9, lines 22-43; column 16, lines 58-61); and

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Releasing funds in the amount of the payment after occurrence of the selected triggering event (column 6, lines 32-44; column 9, lines 22-43; column 16, line 58 – column 17, line 7).

Regarding claim 62, Tozzoli discloses a system for making a payment, comprising:

A communications port configured to receive and to transmit information via a network (Figures 1 and 7; column 4, lines 50-62);

A memory configured to store a plurality of triggering events and at least one indication of a selected triggering event (column 4, line 50 – column 5, line 10); and

A processor in communication with the communications port and the memory and configured to (1) receive, via the communications port, a request to execute a payment on behalf of a payer, the request including information identifying the payer and information identifying a payee, and an amount of the payment (column 4, line 50 – column 5, line 10; column 6, lines 32-37), (2) process the received request to select a triggering event from the plurality of triggering events stored in the memory (column 7, lines 34-46; column 8, lines 13-36; column 9, lines 22-43; column 16, lines 58-61), (3) store an indication in the memory of the selected triggering event (column 8, lines 12-36; column 9, lines 30-43; column 16, line 58 – column 17, line 30), and (4) cause funds to be released in the amount of the payment after occurrence of the selected triggering event (column 7, lines 34-42; column 9, lines 22-49; column 16, line 58 – column 17, line 30).

Regarding claims 54 and 63, Tozzoli discloses the method and system wherein the (stored) plurality of triggering events includes (1) receipt of a signal, representing a funds release authorization (column 7, lines 34-39; column 8, lines 13-36; column 9, lines 21-49; column 16, line 58 – column 17, line 16), and (2) lapsing of a time period (column 17, line 12-16).

Regarding claim 55, Tozzoli discloses the method wherein the signal is received via the network (column 4, lines 50-62; column 8, lines 13-36; column 9, lines 26-43; column 16, line 58 – column 17, line 16).

Regarding claim 56, Tozzoli discloses the method further comprising:

Transmitting a request via the network for the funds release authorization (column 4, lines 50-62; column 9, lines 21-49; column 16, line 58 – column 17, line 16);

Wherein the signal is received via the network responsive to the transmitted request (column 4, lines 50-62; column 9, lines 21-49; column 16, line 58 – column 17, line 16).

Regarding claim 58, Tozzoli discloses the method further comprising:

Securing funds from an account associated with the payer wherein funds from the payer account are secured at one of (1) a time prior to the occurrence of the

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selected triggering event, or (2) a time subsequent to the occurrence of the selected triggering event (column 9, lines 22-43; column 16, line 58 – column 17, line 30).

Regarding claim 59, Tozzoli discloses the method wherein the selected triggering event is a first selected triggering event, further comprising:

Selecting one or more additional triggering events from the plurality of triggering events (column 9, lines 22-43; column 16, line 58 – column 17, line 30); and

Releasing funds after the occurrence of one of (1) all of the first selected triggering event and the one or more additional selected triggering events, or (2) the first to occur of the first selected triggering event and the one or more additional selected triggering events (column 9, lines 22-43; column 16, line 58 – column 17, line 30).

Regarding claim 60, Tozzoli discloses the method wherein:

The request also includes information identifying a type of payment (column 6, lines 32-44); and

The triggering event is selected on the basis of at least one of (1) the identity of the payer, (2) the identity of the payee, (3) the identity of a party other than the payer or the payee, (4) a type of payment, and (5) the amount of the payment (column 6, lines 32-44; column 13, lines 48-53; column 14, lines 30-39).

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Regarding claim 64, Tozzoli discloses the system wherein the signal is received via the communications port (column 4, lines 50-62; column 8, lines 13-36; column 9, lines 26-43; column 16, line 58 – column 17, line 16).

Regarding claim 65, Tozzoli discloses the system wherein:

The processor is further configured to cause a request to be transmitted, via the network, for receipt of the funds release authorization (column 4, lines 50-62; column 9, lines 21-49; column 16, line 58 – column 17, line 16); and

The signal is received responsive to the transmitted request (column 4, lines 50-62; column 9, lines 21-49; column 16, line 58 – column 17, line 16).

Regarding claim 67, Tozzoli discloses the system wherein:

The processor is further configured to secure funds from an account associated with the payer and funds from the payer account are secured at one of (1) a time prior to the occurrence of the selected triggering event, or (2) a time subsequent to the occurrence of the selected triggering event (column 9, lines 22-43; column 16, line 58 – column 17, line 30).

Regarding claim 68, Tozzoli discloses the system wherein:

the selected triggering event is a first selected triggering event (column 9, lines 22-43; column 16, line 58 – column 17, line 30); and

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the processor is further configured to (1) select one or more additional triggering events from the plurality of stored triggering events (column 9, lines 22-43; column 16, line 58 – column 17, line 30); (2) store an indication of the selected one or more additional triggering events in the memory (column 9, lines 22-43; column 16, line 58 – column 17, line 30), and (3) cause funds to be released after the occurrence of one of (a) all the first selected triggering event and the one or more additional selected triggering events, or (b) the first to occur of the first selected triggering event and the one or more additional selected triggering events (column 9, lines 22-43; column 16, line 58 – column 17, line 30).

Regarding claim 69, Tozzoli discloses the system wherein:

The request also includes information identifying a type of payment (column 6, lines 32-44); and

The processor is further configured to select the triggering event on the basis of at least one of (1) the identity of the payer, (2) the identity of the payee, (3) the identity of a party other than the payer or the payee, (4) a type of payment, and (5) the amount of the payment (column 6, lines 32-44; column 13, lines 48-53; column 14, lines 30-39).

Regarding claim 71, Tozzoli discloses an article of manufacture for making a payment, comprising:

A computer readable medium (column 4, line 50 – column 5, line 10); and

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Computer programming stored on the medium (column 4, line 50 – column 5, line 10);

Wherein the stored computer programming is configured to be readable from the computer readable medium by a computer to thereby cause the computer to operate (column 4, line 50 – column 5, line 10) so as to:

Receive, via a network, a request to execute a payment on behalf of a payer (Figures 1 and 7; column 4, lines 50-62), the request including information identifying the payer, information identifying a payee, and an amount of the payment (column 6, lines 32-37);

Select a triggering event from a plurality of triggering events, based on the received request (column 7, lines 34-46; column 8, lines 13-36; column 9, lines 22-43; column 16, lines 58-61); and

Cause funds to be released in the amount of the payment after the occurrence of the selected triggering event (column 6, lines 32-44; column 9, lines 22-43; column 16, line 58 – column 17, line 7).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 57, 61, 66, 70 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tozzoli.

Regarding claims 57 and 66, Tozzoli discloses the method and system wherein the (stored) plurality of triggering events includes (1) receipt of a signal from the payer (column 17, lines 12-16 and lines 22-25), (2) receipt of a signal from the payee (column 17, lines 25-30), (3) receipt of a signal from a party other than the payer or the payee (column 9, lines 26-42; column 16, lines 58-67), (8) lapsing of a time period beginning upon receipt of a signal from the payer (column 17, lines 12-16);

and each received signal represents a funds release authorization.

Tozzoli does not disclose (4) receipt of one signal from the payer and receipt of another signal from the payee, (5) receipt of one signal from the payer and receipt of another signal from a party other than the payee or the payer, (6) receipt of one signal from the payee and receipt of another signal from a party other than the payer or the payee, (7) receipt of one signal from the payee, receipt of another signal from the payer, and receipt of yet another signal from a party other than the payer or the payee, (9)

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lapsing of a time period beginning upon receipt of a signal from the payee, (10) lapsing of a time period beginning upon receipt of a signal; from a party other than the payer or the payee, (11) lapsing of a time period beginning upon receipt of all of a plurality of signals, and (12) lapsing of a time period beginning upon initiation of a debit from an account associated with the payer.

However, Tozzoli discloses a series of trigger events, in which notification is provided or automatically determined by the network system, by which "next steps" of the process are determined based on the previous steps and inputs received. Tozzoli discloses where the payer, the payee, and a party other than the payer or payee, provide authorization for funds release. It would be obvious to one of ordinary skill in the art to include requiring multiple parties to release authorization of funds release. For example, Tozzoli requires that the payee submit documents showing shipping as occurred, documents from a shipper that goods have been delivered, acceptance by a third party or the payer that goods have been received. The network system maintains data for the process throughout from order to payment such that a complete representation of the steps processed and yet to be completed is available for all interested and involved parties. It would be obvious that these trigger events could be used in conjunction with the system in which payer, payee, or other third party can authorize funds release to tie the already established individual trigger and fund release mechanisms into multiple party mechanisms for funds release.

Regarding claim 61, Tozzoli discloses a method for making a payment comprising:

Receiving, via a network, a request to execute a payment on behalf of a payer to a payee in an amount (Figures 1 and 7; column 4, lines 50-62; column 6, lines 32-37);

Processing the received request to select a mode of operation (column 9, lines 31-43; column 16, line 58 – column 17, line 30);

If a first mode is selected, releasing funds after receipt, via the network, of a notice from the payer (column 17, lines 12-16 and lines 22-25);

If a second mode is selected, releasing funds after receipt, via the network, of a notice from the payee (column 17, lines 25-30);

If a third mode is selected, releasing funds after receipt of a notice, via the network, from a party other than the payer or the payee (column 9, lines 26-42; column 16, lines 58-67);

If a fifth mode is selected, releasing funds after the lapsing of a time period (column 17, lines 12-16).

Tozzoli does not disclose if a fourth mode is selected, releasing funds after receipt of each of a plurality of notices. However, as Tozzoli discloses receiving notices from a plurality of sources and under a plurality of situations based on triggering events, it would be obvious to one of ordinary skill in the art that the one or more notices could be combined such that funds are released after a plurality of these signals are combined to effect the release mechanism. Notice from a payee that goods have been shipped and notice from a payer that goods have been received are both recorded in

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the system, for example. These trigger events can be used individually or in a combined manner to effect the release of funds. Each component of the process is required to be recorded in the system, such that all trigger events are accounted for, before the total transaction can be considered closed and complete. Without receipt of all trigger events, the system would maintain the order as "open". The subsequent action can not be conducted until the preceding trigger event has been completed. Therefore, any of these trigger events could be "flagged" as a notice from various parties that they have completed their portion of the purchase order and are therefore authorizing payment.

Regarding claim 70, Tozzoli discloses a system for making a payment, comprising:

A communications port configured to receive and to transmit information via a network (Figures 1 and 7; column 4, lines 50-62);

A memory configured to store an indication of a selected mode of operation (column 4, line 50 – column 5, line 10; column 9, lines 22-49; column 16, line 58 – column 17, line 30); and

A processor in communication with the communications port and memory and configured to (1) receive, via the communications port, a request to execute a payment on behalf of a payer to a payee in an amount (column 4, line 50 – column 5, line 10; column 6, lines 32-37), (2) process the received request to select a mode of operation (column 7, lines 34-46; column 8, lines 13-36; column 9, lines 22-43; column 16, lines

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58-61), (3) store an indication of the selected mode of operation in the memory (column 8, lines 12-36; column 9, lines 30-43; column 16, line 58 – column 17, line 30), and (4) operate in the selected mode of operation (column 7, lines 34-42; column 9, lines 22-49; column 16, line 58 – column 17, line 30);

Wherein the processor is further configured to cause funds to be released after receipt, via the network, of a notice from the payer if a first mode is selected (column 17, lines 12-16 and lines 22-25);

Wherein the processor is further configured to cause funds to be released after receipt, via the network, of a notice from the payee if a second mode is selected (column 17, lines 25-30);

Wherein the processor is further configured to cause funds to be released after receipt, via the network, of as notice from a party other than the payer or the payee if a third mode is selected (column 9, lines 26-42; column 16, lines 58-67);

Wherein the processor is further configured to cause funds to be released after the lapsing of a time period if a fifth mode is selected (column 17, lines 12-16).

Tozoli does not disclose wherein the processor is further configured to cause funds to be released after receipt, via the network, of each of a plurality of notices if a fourth mode is selected. However, as Tozzoli discloses receiving notices from a plurality of sources and under a plurality of situations based on triggering events, it would be obvious to one of ordinary skill in the art that the one or more notices could be combined such that funds are released after a plurality of these signals are combined to effect the release mechanism. Notice from a payee that goods have been shipped and

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notice from a payer that goods have been received are both recorded in the system, for example. These trigger events can be used individually or in a combined manner to effect the release of funds. Each component of the process is required to be recorded in the system, such that all trigger events are accounted for, before the total transaction can be considered closed and complete. Without receipt of all trigger events, the system would maintain the order as "open". The subsequent action can not be conducted until the preceding trigger event has been completed. Therefore, any of these trigger events could be "flagged" as a notice from various parties that they have completed their portion of the purchase order and are therefore authorizing payment.

Regarding claim 72, Tozzoli discloses an article of manufacture for making a payment, comprising:

A computer readable medium (column 4, line 50 – column 5, line 10); and

Computer programming stored on the medium (column 4, line 50 – column 5, line 10);

Wherein the stored computer programming is configured to be readable from the computer readable medium by a computer to thereby cause the computer to operate (column 4, line 50 – column 5, line 10) so as to:

Receive, via a network, a request to execute a payment on behalf of a payer (Figures 1 and 7; column 4, lines 50-62) to a payee in an amount (column 6, lines 32-37);

Process the received request to select a mode of operation (column 9, lines 31-43; column 16, line 58 – column 17, line 30);

If a first mode is selected, cause funds to be released after receipt, via the network, of a notice from the payer (column 17, lines 12-16 and lines 22-25);

If a second mode is selected, cause funds to be released after receipt, via the network, of a notice from the payee (column 17, lines 25-30);

If a third mode is selected, cause funds to be released after receipt of a notice, via the network, from a party other than the payer or the payee (column 9, lines 26-42; column 16, lines 58-67);

If a fifth mode is selected, cause funds to be released after the lapsing of a time period (column 17, lines 12-16).

Tozoli does not disclose if a fourth mode is selected, cause funds to be released after receipt of each of a plurality of notices, via the network. However, as Tozzoli discloses receiving notices from a plurality of sources and under a plurality of situations based on triggering events, it would be obvious to one of ordinary skill in the art that the one or more notices could be combined such that funds are released after a plurality of these signals are combined to effect the release mechanism. Notice from a payee that goods have been shipped and notice from a payer that goods have been received are both recorded in the system, for example. These trigger events can be used individually or in a combined manner to effect the release of funds. Each component of the process is required to be recorded in the system, such that all trigger events are accounted for, before the total transaction can be considered closed and complete. Without receipt of

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all trigger events, the system would maintain the order as "open". The subsequent action can not be conducted until the preceding trigger event has been completed. Therefore, any of these trigger events could be "flagged" as a notice from various parties that they have completed their portion of the purchase order and are therefore authorizing payment.

Conclusion

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

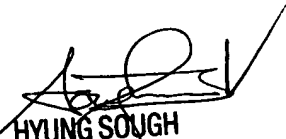
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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SUPERVISORY PATENT EXAMINER
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